

Notice of Allowability

Application No.

09/605,162

Examiner

LOHA BEN

Applicant(s)

WADE, ROBERT K.

Art Unit

2873



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's application dated June 27, 2000.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>0900</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


Loha Ben
Primary Examiner

Art Unit: ***

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification

The whole paragraph from page 1, line 5 to page 2, line 12 is replaced with the following new paragraph.

- This patent application is a continuation-in-part application of U.S. Patent Application No. 09/257,045 [(Attorney Docket No. 34013-00008, Client Reference No. D-97031-CNT)], filed February 25, 1999, now U.S. Pat. No. 6,137,933; U.S. Patent Application No. 09/323,094 [(Attorney Docket No. 34013-00010, Client Reference No. D-99001)], filed June 1, 1999, now U.S. Pat. No. 6,263,135; U.S. Patent Application No. 09/342,142 [(Attorney Docket No. 34013-00011, Client Reference No. D-99002)], filed June 29, 1999, now U.S. Pat. No. 6,289,155; U.S. Patent Application No. 09/382,492 [(Attorney Docket No. 34013-00013, Client Reference No. D-99004)], filed August 25, 1999, now U.S. Pat. No. 6,404,945; U.S. Patent Application No. 09/382,624 [(Attorney Docket No. 34013-00014, Client Reference No. D-99005)], filed August 25, 1999, now U.S. Pat. No. 6,271,970; U.S. Patent Application No.

Art Unit: ***

09/363,041 [(Attorney Docket No. 34013-00023, Client Reference No. D-99014)], filed July 29, 1999, now U.S. Pat. No. 6,243,513; U.S. Patent Application No. 09/363,042 [(Attorney Docket No. 34013-00024, Client Reference No. D-99015)], filed July 29, 1999, now U.S. Pat. No. 6,236,780; U.S. Patent Application No. 09/392,670 [(Attorney Docket No. 34013-00025, Client Reference No. D-99016)], filed September 8, 1999, now U.S. Pat. No. 6,298,182; and U.S. Patent Application No. 09/392,831 [(Attorney Docket No. 34013-00026, Client Reference No. D-99017)], filed September 8, 1999, now U.S. Pat. No. 6,181,853; all of which are hereby incorporated by reference herein in their entirety.

■ **SEASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: Best reference noted is Shiono et al in that its device has a diffraction grating and a transmissive/reflective optical element. These two components are recited in independent claims 1 and 17 of the present invention. However, the respective functions of these two components of the patent are not the same as those of the present invention. Simply because the two inventions are from different fields of endeavor. And that is one of the fields is an optical recording device, and the other is a bi-directional wavelength division multiplexing/demultiplexing device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: ***

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 20, 2004



Loha Ben
Primary Examiner